

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

P & S X-RAY Co., INC. d/b/a MEDICAL
IMAGING SYSTEMS,

v.
Plaintiff

HOLOGIC, INC., et al.

Defendants

Civil Action No.
1:04-CV-11239-RGS

**HOLOGIC, INC.'S
FRCP 16 AND LOCAL RULE 16.1 STATEMENT**

Pursuant to Federal Rule of Civil Procedure 16 and Local Rule 16.1, Defendant Hologic, Inc. ("Hologic") hereby makes the following statement:¹

DISCOVERY PLAN AND MOTIONS

This case is not complicated and involves a contractual relationship that was terminated by Hologic in accordance with the plan terms of the written contract. That termination was in writing and was sent by Hologic to plaintiffs via federal express, from whom there is a delivery receipt. Despite this, plaintiff has sued Hologic, claiming that the contract was not terminated.

As a result, Hologic believes that discovery can be adequately conducted in this case within the limits set forth in Fed.R.Civ.P. 26(b) and that there is no need to conduct any phased discovery. Hologic further believes that all discovery can be completed within approximately 6 months and suggests a discovery deadline of June 30, 2005 and that all pre-trial motions should be capable of being prepared and filed no later than October 31, 2005.

¹ Counsel for Hologic notes that over the past few weeks, it has had discussions with counsel for plaintiff concerning this matter. However, plaintiff's counsel has not submitted any proposed form of Joint Statement. Accordingly, Hologic is filing this statement on its own behalf.

TRIAL BY MAGISTRATE

At this time, Hologic does not consent to a trial by magistrate, although it remains open to consider this option in the future.

LOCAL RULE 16.1(D)(3) CERTIFICATION

Hologic is filing, concurrently herewith, its Local Rule 16.1(D)(3) Certification.

HOLOGIC, INC.,

By its Attorneys,



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Dated: December 13, 2004

CERTIFICATE OF SERVICE

I certify that the foregoing has been served upon the following counsel of record by facsimile on December 13, 2004:

Genie Lambeth, Esquire
Yearout & Traylor, P.C.
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Gregory T. Arnold